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April 20, 2012

The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Via Federal Communications Commission Electronic Comment Filing System (ECFS)  
<http://fjallfoss.fcc.gov/ecfs/>

Re: FCC Rulemaking, MB Docket Nos. 00-168; 00-44; FCC 11-162, Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations.

Dear Chairman Genachowski:

The Sunlight Foundation is a non-profit, nonpartisan organization that uses the power of the Internet to catalyze greater government openness and transparency. We are committed to improving access to government information by making it available online, redefining “public” information as meaning “online.” We strongly support the Commission’s proposal to require television broadcasters to replace paper political files with an online database of information.

Placing detailed information about political advertising online is fundamental to broadcasters satisfying their responsibility to serve the needs of their communities in exchange for the use of the public spectrum. Little is more fundamental to the functioning of our democracy than voters’ understanding of who is influencing our elections. Broadcasters are in the position of readily making this information available to the public by placing the contents of their political file online. Making public information about who is paying for political ads, which candidates the ads support or oppose, where they are being run, and how much is being spent on them has always been in the public’s interest. It is currently too easy to mislead the public about the source of money behind a political ad.

The Sunlight Foundation is concerned by reports that broadcasters are suggesting that by limiting the amount of information contained in the online political file, they may still satisfy their public interest obligation. Specifically, broadcasters are arguing in favor of providing only aggregate data on political advertising sales, omitting information about whether a station accepted or rejected a request to purchase time, the date and time a political advertising message aired, and the class of time purchased. The broadcasters



also appear to suggest keeping offline—in effect hiding—information about ads purchased by non-profit organizations, including so-called “super PACs,” that purchase ad time for electioneering communications or making independent expenditures.

The broadcasters are not entitled to cherry pick the quality or type of information to be made public. Congress mandated what information must be made publicly available in the political file. By extension, the FCC must not limit, through its rules, public access to only those members of the public who have the ability and resources to enter a broadcast station and demand to see the paper documents. In this era of ubiquitous Internet access to everything, public means online.

It should be noted that the broadcasters’ own proposal would result in the creation of two separate filing regimes. One “public file” would be created on paper and stored in file cabinets and would include the complete and detailed information required by law. The second “public file” would be online, but would contain only aggregated and redacted information. Not only is such a proposal internally inconsistent, but it undercuts one of the main objections the broadcasters have offered in opposition to this rulemaking—that online filing would be too burdensome.

We respectfully urge the Commission to create a transparent and inclusive system of online disclosure that embraces 21st Century norms and ensures that all information contained in the public file is fully accessible to the public.

Sincerely,

/s/

Ellen S. Miller  
Co-founder and Executive Director  
The Sunlight Foundation